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REVENUE & DISASTER MANAGEMENT DEPARTMENT

NOTIFICATION

The 17th February, 2022

Subject : Fixation of scale of compensation regime towards environmental and ecological damage for illegal mining of sand.

No. 5157—RDM-MMS-POLICY-0008-2021/R&DM.— Whereas, Hon'ble National Green Tribunal, Principal Bench, New Delhi by order on dated the 26th February, 2021 in OA No. 360/2015- in the matter of 'National Green Tribunal Bar Association Vrs. Virender Singh (State of Gujarat) and 18 other OAs' have considered the issue relating enforcement and monitoring mechanism to control and regulate illegal sand mining (including riverbed sand mining) activities.

And, whereas, with direction to strictly follow the "Sustainable Sand Mining and Management Guidelines-2016 (SSMG-2016) and "Enforcement of Monitoring Guidelines of Sand Mining-2020" (EMGSM-2020) the Hon'ble NGT, by the said order has accepted the report of the Central Pollution Control Board (CPCB) and has directed that the scale of compensation calculated with reference to Approach-2 be adopted by all the States and/UTs.

And, whereas, in the said order the Hon'ble Tribunal has analyzed the report of the Expert Committee constituted by CPCB and has discussed two approaches viz. Approach-1- Direct Compensation based on the market value of extraction adjusted for ecological damages and Approach-2 —Computing a simplified NPV: Net Present Value (after netting out market value of illegally mined material i.e. Total Compensation to be levied) for ecological damages as per the mathematical presentation of Approach-2 , $NPV = PV - D$ where 'PV' is being Present Value of Foregone Ecological Values and 'D' is being Market Value of Illegally Mined Material.

Now, therefore the State Government do hereby order as follows:

i. Adoption of the Approach-2 for fixation of the scale of compensation regime for illegal mining of sand towards environmental and ecological damages as per CPCB. Compensation amount on illegally mined sand is to be fixed at 3.33 times of the market value.

ii. In order to facilitate such determination of compensation charge the market value of sand is to be fixed by a District Level Committee constituted under the Chairmanship of District Collector as below :-

Collector	... Chairman
ADM (Revenue)	... Member Convener
District Forest Officer	... Member
Suptd. Engineer/Executive Engineer, PWD	...Member
Suptd. Engineer/Executive Engineer, Irrigation	...Member
Suptd. Engineer/Executive Engineer, RD	...Member
Mining Officer/ Deputy Director (Mines)	...Member

The Committee shall decide market value of sand per cubic metre for the district on annual basis. While fixing the market value the Committee shall take into account the royalty and additional charge from sand in respect of different sources.

iii. Compensation amount so collected from the illegal sand mining shall be deposited in 'Interest' bearing bank account opened separately by Forest, Environment and Climate Change Department named 'Environment Compensation' bearing Account No. 06640110075074, IFSC-UCBA0000664, MICR Code-751028004, Forest, Environment & Climate Change, Government of Odisha-751001 to utilize the amount for restoration of environment by preparing action.

By Order of the Governor

SATYABRATA SAHU

Additional Chief Secretary to Government